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EXAMINER	
STERRETT, JONATHAN G	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/851,732	DUBOIS ET AL.	
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Summary

1. This **Final Office Action** is responsive to applicant's amendment filed April 20, 2006. Currently **Claims 1-20** are pending.

Response to Arguments

2. The applicant's arguments have been fully considered but are not persuasive.

3. The applicant asserts that Joshi's invention only allows the user to view results of previously performed analyses and that this is different from the instant application where the user selects performance measures to be analyzed from an electronic document generated in response to a user request to a website. In further support of this argument, the applicant argues that Hsuing fails to teach accessing enterprise wide business data nor statistical analysis of enterprise wide business data.

The examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. That is, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Joshi's invention generates a variety of SPC (Statistical Process Control) analyses that are generated from process data. A series of hypertext links provide a user with a way to navigate from the summary to provide a detailed analysis depending on which hypertext link the user selected. Joshi's invention differs from the instant application in that Joshi's invention performs the statistical analysis in advance and stores it for retrieval by the user later, when they select an appropriate hyperlink. In the claimed invention, the statistical analysis is performed in response to a request from a user. The use of a hyperlink as taught by Joshi (see column 4 line 1-5) means that the user is provided with an electronic document from which to make a selection of a performance parameter from which an analysis is returned via another electronic document.

Hsiung provides a means for process control where the user can select a performance measure that is analyzed in response to the user requesting it (see column 3 line 47-50). While the applicant argues that Hsiung only provides the user with viewing results based upon a descriptor predicted by a model, the examiner would point out that Hsiung teaches providing an analysis based on a selection by the user. In column 16 line 20-24, Hsiung teaches applying univariate statistical analysis to data that is generated from an industrial process. Univariate statistical analysis, as taught by Hsiung, includes the user selecting a performance measure (i.e. the univariate statistical techniques are a performance measure) for a data set in said business data (i.e. the

particular plant process data). Hsuing's system returns the analysis based on the selected statistical techniques (univariate or multivariate).

Hsuing's data is enterprise business data in that plant process data is enterprise business data in that it pertains to data that is available enterprise wide and relates to the business of operating a chemical plant.

4. Applicant's arguments regarding **Claims 2-10, 13 and 17-20** on page 15 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

5. The applicant asserts that Stephens fails to teach overlaying on a histogram an indicator of a statistical mean and an indicator of a user-specified target limit.

The examiner respectfully disagrees.

Figure 29 shows a histogram with user specified target limits (para 12 indicates that control limits, i.e. target limits, can be set manually – i.e. they are user specified). Paragraph 28 shows that the histogram (i.e. capability analysis) provides for mean statistics.

6. The applicant asserts that Stephens teaches away from the claimed embodiments of the claimed invention on page 16 and 17. In further support of this

assertion, applicant's assert that since Stephen's software package is self contained, it teaches away from the claimed invention.

The examiner respectfully disagrees.

In response to applicant's argument that Stephens teaches away from Joshi and Hsiung, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Stephens teaches the functionality as is claimed being provided on a Windows 95/98 computer system with ODBC 'open database connective' file structure. One of ordinary skill in the art would recognize that the statistical functionality demonstrated by Stephens running on a Windows™-based PC would be adaptable to such a PC that was running on a network. Joshi, Hsiung and Stephens all address providing for statistical analysis of data using computers and displaying that data so as to improve the user's decision making ability based on the computer-based analysis provided. One of ordinary skill in the art would see fit to modify the teachings of Joshi, Hsiung and Stephens with a reasonable expectation of success.

7. The applicants argue on page 18 for Claim 13 that Stephen does not teach a system that allows a user to make requests from a peripheral computer system.

The examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The rejection of claims 13 was made over a combination of Joshi, Hsiung and Stephens. Both Joshi and Stephens teach distributed computer systems operating over a network where the claimed request for analysis is made from a peripheral computer. (See Joshi Figure 3#18 and Hsiung Figure 1 #109)

Please see the 35 USC 103 rejections below.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 1, 2, 11, 12, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi et al. (U.S. Patent 6,532,427) in view of Hsiung et al. (U.S. Patent 6,853,920). Joshi et al. disclose a six sigma enabled web-based business intelligence system comprising:

- **[Claim 1]** a) transferring an electronic document to said user, wherein said electronic document allows said user to select a performance measure to be analyzed for a data set in said enterprise wide business data (col. 2, lines 1-51, col. 3, line 63 to col. 4, line 1 and col. 5, line 28-36, Joshi et al. teaches the SPC information is presented to users in an easy-to-use, hypertext-based form, enabling the user to make even more effective use of the time spent reviewing the gathered data. A command file is generated including a command for invoking a process data extraction program such as PROMIS using the contents of a script file as input, and a command for copying an extracted data file generated by the process data extraction program to the analysis information system. The users interact with the SPC information system via a hypertext-based or Web-like interface. User-accessible information is organized into a private web site that can be viewed using a standard browser over a corporate "intranet", for example. At a "home page", the user can indicate which data is to be viewed by clicking on the associated hyperlinks. The Get Data/Extract function includes the SAS macro "get_data". "Get_date" is the name of generic code that becomes specific code when the user provides values of certain parameters, such as "dir" and "dcop". The parameter "dir" specifies a directory, and "dcop" specifies the name of a data collection operation.);

- b) in response to a request from said user, performing a statistical analysis of said performance measure (col. 4, line 67 to col. 5, line 5, Joshi et al. teach raw process data is gathered and statistical analysis is performed.); and

- c) transferring an electronic copy of said statistical analysis to said user (col. 4, line 67 to col. 5, line 5, Joshi et al. teach raw process data is gathered and statistical analysis is performed, and files presenting the results are created and placed in a browsable collection accessible to the user.).

Joshi et al. fail to teach the transferring is in response to a user request to a web site operable to access said enterprise wide business data and to provide statistical analysis of said enterprise wide business data. The Examiner interprets "web site" to infer the Internet. Hsiung et al. teach a system for monitoring an industrial process and taking action based on the results of the process monitoring. A process may be monitored and/or controlled by comparing the current state of a first process to current, historical, and/or predicted states of the first process or of a second process through the use of

statistical, structural, or physical models. Because of its web-based architecture, the system permits monitoring and/or control over a process to be performed by a user located virtually anywhere. The system includes a variety of sub-systems that are integrated and coupled with one another through a web-based architecture. One example of such a sub-system is a wide-area network, which may comprise, for example, the Internet, and intranet, or another type of network (Abstract, col. 2, lines 59-63, col. 3, lines 42-63, col. 4, lines 41-47). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Joshi et al. with the Internet capability of Hsiung et al. since Joshi et al. teach user-accessible information is organized into a private web site that can be viewed using a standard browser (col. 3, lines 63-66). Having immediate access to data makes the analysis of the data more efficient and timely. Joshi et al. teach the SPC information is presented to users in an easy-to-use, hypertext-based form, enabling the user to make even more effective use of the time spent reviewing the gathered data (col. 2, lines 27-31). Hsiung et al. teach the system permits monitoring and/or control over a process to be performed by a user located virtually anywhere and permits monitoring an control over a process in real time, such that information about the process can rapidly be analyzed by a variety of techniques, with corrective steps based upon the analysis implemented immediately (col. 3, lines 42-63). Therefore, having immediate access to data makes the analysis of the data more efficient and timely since corrective steps can be implemented immediately. Both Joshi et al. and Hsiung et al. teach monitoring industrial process therefore there is a motivation or suggestion to combine. A

reasonable expectation of success exist since Joshi et al. uses a web-based architecture and Hsiung et al. expands process monitoring to the Web. Joshi et al. and Hsiung et al. teach or suggest all the elements of the claimed invention as indicated above.

- **[Claim 2]** c1) transferring a Hyper-Text Markup Language document comprising said statistical analysis in histogram format (Joshi et al.: Abstract, col. 3, line 62 to col. 4, line 1, Joshi et al. teach the analysis information system performs statistical analysis on the extracted data file and creates graphical SPC charts files, including a hypertext summary, and these are posted in a network-accessible database for users. The users interact with the SPC information system via a hypertext-based or Web-like interface. User-accessible information is organized into a private web site that can be viewed using a standard browser over a corporate "intranet", for example. At a "home page", the user can indicate which data is to be viewed by clicking on the associated hyperlinks. The examiner interprets hyperlinks to include hypertext document through tags in markup languages such as SGML and HTML. Hsiung et al.: Table 5, Chart Types, Hsiung et al. teach a Histogram.).

- **[Claim 15]** a) in response to a user-generated request received from a peripheral computer system, a host computer system transferring an electronic document to said peripheral computer system, wherein said electronic document has selectable fields for a plurality of dimensions to select a data set accessible by said host computer system (Joshi et al.: col. 2, lines 1-51, col. 3, line 63 to col. 4, line 1 and col. 5, line 28-36, Joshi et al. teaches the SPC information is presented to users in an easy-to-use, hypertext-based form, enabling the user to make even more effective use of the time spent reviewing the gathered data. A command file is generated including a command for invoking a process data extraction program such as PROMIS using the contents of a script file as input, and a command for copying an extracted data file generated by the process data extraction program to the analysis information system. The users interact with the SPC information system via a hypertext-based or Web-like interface. User-accessible information is organized into a private web site that can be viewed using a standard browser over a corporate "intranet", for example. At a "home page", the user can indicate which data is to be viewed by clicking on the associated hyperlinks. The Get Data/Extract function includes the SAS macro "get_data". "Get_date" is the name of generic code that becomes specific code when the user provides values of certain parameters, such as "dir" and "dcop". The parameter "dir" specifies a directory, and "dcop" specifies the name of a data collection operation. Hsiung et al.: Abstract, col.

2, lines 59-63, col. 3, lines 42-63, col. 4, lines 41-47, Hsiung et al. teach a system for monitoring an industrial process and taking action based on the results of the process monitoring. A process may be monitored and/or controlled by comparing the current state of a first process to current, historical, and/or predicted states of the first process or of a second process through the use of statistical, structural, or physical models. Because of its web-based architecture, the system permits monitoring and/or control over a process to be performed by a user located virtually anywhere. The system includes a variety of sub-systems that are integrated and coupled with one another through a web-based architecture. One example of such a sub-system is a wide-area network, which may comprise, for example, the Internet, and intranet, or another type of network.);

- b) in response to a user-generated request received from said peripheral computer for a statistical analysis of a performance measure for said data set, said host computer system performing said statistical analysis (Joshi et al.: Abstract, Joshi et al. teach the analysis information system performs statistical analysis on the extracted data file and creates graphical SPC chart files.); and

- c) said host computer system electronically transferring an electronically viewable version of said statistical analysis to said peripheral computer system (Joshi et al.: Abstract, Joshi et al. teach the analysis information system performs statistical analysis on the extracted data file and creates graphical SPC chart files, including a hypertext summary, and these are posted in a network-accessible database for users.).

- **[Claim 16]** d) collecting said data from a plurality of databases (Joshi et al.: col. 3, lines 51-63, Joshi et al. teach the SPC information system includes various data processing equipment and programs for collecting, storing, retrieving, and analyzing raw process data. The raw process data enters the SPC information system at the various work centers.); and

- e) formatting said data in a single format, wherein data from multiple databases in multiple formats is converted to a single format and stored on a single database, and wherein said peripheral computer system does not have direct access to said databases (Joshi et al.: col. 3, lines 33-63, Joshi et al. teach the SPC information system includes various data processing equipment and programs for collecting, storing, retrieving, and analyzing raw process data. The raw process data enters the SPC information system at the various work centers. Work centers included a lithography (litho) work center, etch work center, diffusion work center, and other work centers of a semiconductor manufacturing facility. For example, an operator in the litho work center takes CD measurements on wafers after lithographic processing,

> and enters the measurements into the SPC information system via a computer terminal, workstation, or similar input device. Similar activities occur at other workstations. The raw process data is gathered, or "extracted"., from the process information system, statistical analysis is performed on the extracted data, and files presenting the results of the statistical analysis are created. These files are placed in a browsable collection accessible to the user. The Examiner interprets the information gathered is for different types of measure (I.e., temperature, concentration or physical dimensions) and is formatted to be used by the system, and the data flow process used prevents users from having direct access to the raw process information once entered and analyzed.).

Claims 11 and 12 substantially recite the same limitations as that of claims 1, 15 and 16 with the distinction of the recited method being a system. Hence the same rejection for claims 1, 15 and 16 as applied above applies to claims 11 and 12.

10. **Claims 3-10, 13, 14 and 17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi et al. (U.S. Patent 6,532,427) in view of Hsiung et al. (U.S. Patent 6,853,920) and further in view of Stephen Quality Software (Stephen Quality Software, SPC Software - DataLyzer® Spectrum, October 13, 1999 [online: URL www.datalyzer.com [WAYBACK Machine] retrieved on 31 May 2005). Joshi et al. and Hsiung et al. disclose a six sigma enabled web-based business intelligence system but fail to teach d) overlaying on said histogram an indicator of a statistical mean and an indicator of a user specified target limit. Stephen Quality Software teach DataLyzer® Spectrum will calculate control limits or they can be set manually. Chart 29 shows mean and the Upper and Lower Specification Limit (Para 12 and Chart 29). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the DataLyzer® Spectrum SPC software of Stephen Quality

Software with the teachings of Joshi et al. and Hsiung et al. since Joshi et al. teach using a widely used statistical analysis tool, i.e., SAS (Statistical Analysis Software) (col. 1, lines 42-46). Being able to analyze data is key to implementing corrective action. Joshi et al. teach the method and apparatus for gathering statistical process control (SPC) information and presenting the SPC information to personnel are flexible and highly automated, enhancing the ease and efficiency of their use. The SPC information presented to users enables the users to make even more effective user of the time spent reviewing the gathered data (col. 2, lines 21-31). Stephen Quality Software teach having immediate process feedback allows operators to be more efficient in making decision that impact product quality. ODBC "open database connective" file structure makes DataLyzer® Spectrum data universally available to other applications. Real time input (variable, Attribute, Histogram/Incoming Inspection) allows immediate response to process problems (Para 10 and 11). Therefore, implementing a corrective action is the result of being able to analyze the data. The combination of Joshi et al., Hsiung et al. and Stephen Quality Software results in getting immediate process feedback that allows operators to be more efficient in making decision that impact product quality. Joshi et al., Hsiung et al. and Stephen Quality Software teach automating data collection, and charting and analyzing the data using Statistical Process Control techniques, therefore motivation to combine and expectation to be successful exist. All features of the claimed invention are taught by the combination of Joshi et al., Hsiung et al. and Stephen Quality Software.

- **[Claim 4]** e) highlighting the area of said histogram outside of said user specified target limit, wherein the relative number of defects are graphically

visible (Stephen Quality Software: Para 28 and Chart 29, Stephen Quality Software teach percent below lower specification and percent above upper specification. The Examiner interprets "highlighting the area" to be displaying and making the user aware of the information to include displaying the information of the chart as displayed in Chart 29.).

- **[Claim 5]** d) in response to an electronic request from said user, running a simulation to determine the effect varying a user specified statistical parameter of a plurality of statistical parameters has on another statistical parameter (Stephen Quality Software: Para 12 and 19, Stephen Quality Software teach DataLyzer® Spectrum will calculate control limits or they can be set manually. Math functions can be used to manipulate current readings, constants, process parameters and other characteristics. The Examiner interprets that as the user is manually or mathematically manipulating the characteristics, the graph shows the impact on other statistical parameters, the user is simulating real-time conditions.); and

- e) electronically transferring the results of said simulation to said user, wherein the user is presented a graphical display providing information to assist in quality improvement (Stephen Quality Software: Para 26, Stephen Quality Software teach real-time data entry control charts is instantly available for Capability Study/Histogram reports.).

- **[Claim 6]** wherein said plurality of statistical parameters comprise statistical mean, standard deviation, a user specified target, actual percentage of data above and below said user specified target, and sigma value (Stephen Quality Software: Para 12 and 28, Stephen Quality Software teach control limits can be set manually. Mean, sigma, three, four, five, and six sigma limits, percent below lower specification and percent above upper specification are displayed on the Histogram report. The Examiner interprets the manually set control limits to be a user specified target.).

- **[Claim 7]** d) in response to a user request, determining a trend of a statistical parameter over time (Stephen Quality Software: Para 17 and 21, Stephen Quality Software teach storing unlimited sets of stepped control limits to track reoccurring process shifts, and users-selectable process shift and stratification analysis, including Western Electric run and trend rules.); and

- e) electronically transferring a Hyper-Text Markup Language document comprising a display of said trend (Joshi et al.: Abstract, Joshi et al. teach the analysis information system performs statistical analysis on the extracted data file and creates graphical SPC charts files, including a hypertext summary, and these are posted in a network-accessible database for users.).

- **[Claim 8]** wherein said statistical parameter is a sigma value (Stephen Quality Software: Para 28, Stephen Quality Software teach upper and lower Z values are displayed on the reports.).

- **[Claim 9]** d) as new data is added to said business data, determining if a statistical parameter for said performance measure is outside a user specified target (Stephen Quality Software: Para 12 and 15, Stephen Quality Software teach real-time data collection and real-time statistical indicators show 20+ alarm conditions in red, green, yellow and other color flags. The Examiner interprets real-time data collection and indicators suggests a determination is made as to whether the performance measure is outside a user specified target.); and

- e) automatically notifying said user if said step d) is true, wherein said notification comprises an electronically delivered message to a user specified node (Stephen Quality Software: Para 11, 12 and 26, Stephen Quality Software teach real-time data collection and real-time statistical indicators show 20+ alarm conditions in read, green, yellow and other color flags. Real-time input allows immediate response to process problems. Real-time data entry control charts are instantly available. The Examiner interprets real-time collection, real-time indicators and real-time control charts that are instantly available suggest the user is notified.).

- **[Claim 10]** wherein said step d) comprises the step of: d1) analyzing said performance measure according to a periodic rate specified by said user (Stephen Quality Software: Para 26, Stephen Quality Software teach a batch report facility allows reoccurring sets of reports to be printed instantly.).

- **[Claim 14]** format said statistical analysis in histogram format, wherein the statistical variation in said performance measures is graphically presented to said user through a web-page, and to overlay on said histogram an indicator of a user specified limit, wherein the data that lie outside the limit are graphically visible (Joshi et al.: Abstract, col. 3, line 62 to col. 4, line 1, Joshi et al. teach the analysis information system performs statistical analysis on the extracted data file and creates graphical SPC charts files, including a hypertext summary, and these are posted in a network-accessible database for users. The users interact with the SPC information system via a hypertext-based or Web-like interface. User-accessible information is organized into a private web site that can be viewed using a standard browser over a corporate "intranet", for example. At a "home page", the user can indicate which data is to be viewed by clicking on the associated hyperlinks. The examiner interprets hyperlinks to include hypertext document through tags in markup languages such as SGML and HTML. Hsiung et al.: Abstract, col. 2, lines 59-63, col. 3, lines 42-63, col. 4, lines 41-47, Col. 55, Table 5, Chart

Types, Hsiung et al. teach a system for monitoring an industrial process and taking action based on the results of the process monitoring. A process may be monitored and/or controlled by comparing the current state of a first process to current, historical, and/or predicted states of the first process or of a second process through the use of statistical, structural, or physical models. Because of its web-based architecture, the system permits monitoring and/or control over a process to be performed by a user located virtually anywhere. The system includes a variety of sub-systems that are integrated and coupled with one another through a web-based architecture. One example of such a sub-system is a wide-area network, which may comprise, for example, the Internet, and intranet, or another type of network. A Histogram chart type is indicated. Stephen Quality Software: Para 28 and Chart 29, Stephen Quality Software teach percent below lower specification and percent above upper specification. The Examiner interprets "highlighting the area" to be displaying and making the user aware of the information to include displaying the information of the chart as displayed in Chart 29.)

- **[Claim 17]** a standardized presentation of said statistical analysis is available to multiple distributed peripheral computer systems (Stephen Quality Software: Para 26, Stephen Quality Software teach a batch report facility allows reoccurring sets of reports to be printed instantly. Joshi et al.: Figure 2 and col. 4, lines 6-20, Joshi et al. teach a hypertext data summary that is a table where each row includes data corresponding to a particular data collection operation.).

- **[Claim 18]** said step c) comprises the step of: c1) formatting said statistical analysis in graphical format, wherein the variance of said data set is graphically viewable (Stephen Quality Software: Para 28-29, Stephen Quality Software teach a graph that shows percent below lower specification and percent above upper specification.).

- **[Claim 19]** said step c1) comprises the step of highlighting data points which are outside of a target range, wherein the relative number of defective data are viewable (Stephen Quality Software: Para 12 and 28-29, Stephen Quality Software teach a graph that shows percent below lower specification and percent above upper specification. Real-time statistical indicators show 20+ alarm conditions in read, green, yellow and other color flags.).

- **[Claim 20]** the steps of: d) in response to an electronically transferred request from said peripheral computer system, running a simulation on said statistical analysis by varying a statistical parameter (Stephen Quality Software: Para 12 and 19, Stephen Quality Software teach DataLyzer® Spectrum will calculate control limits or they can be set manually. Math functions can be used to manipulate current readings, constants, process parameters and

other characteristics. The Examiner interprets that as the user is manually or mathematically manipulating the characteristics, the graph shows the impact on other statistical parameters, the user is simulating real-time conditions.); and

- e) electronically transferring the results of said simulation to said peripheral computer system, wherein a user is allowed to see the effect of changing said statistical parameter (Stephen Quality Software: Para 26, Stephen Quality Software teach real-time data entry control charts is instantly available for Capability Study/Histogram reports.).

Claim 13 substantially recites the same limitations as that of claims 9 and 19 with the distinction of the recited method being a system. Hence the same rejection for claims 9 and 19 as applied above applies to claims 13.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS

JGS 6-29-2006

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